

## **REMARKS**

### ***I. Provisional Election & Overlap of Species***

Applicant's Response to Non Compliant Amendment submitted on March 3, 2008 included a provisional election for Species No. 1. Subsequent to receiving the official communications of May 22, 2008, Applicant's undersigned representative spoke with Examiner Hamza and approved the election of Species No. 1 and authorized Examiner Hamza to withdraw from further prosecution those claims that fall outside of Species No. 1. Applicant submits that Examiner Hamza should be permitted to accept the Applicant's proposed provisional election as particularly accepted by the undersigned representative for the withdrawal of those claims that Examiner Hamza concludes fall outside of Species No. 1.

As the Examiner previously indicated in the Office Action from April 6, 2007, Claim Nos. 1-17 and 24-35 are drawn to priority based messaging in class 709, subclass 207, and Applicant had identified these claims for the provisional election of Species No. 1.

Applicant submits that no extensions of time are required because on March 3, 2008, Applicant submitted the provisional election for Species No. 1 including the proposed claims and subsequent to receiving the official communications of May 22, 2008, the undersigned representative approved the withdrawal of non-elected claims by Examiner Hamza in a telephone discussion of the pending application.

### ***Conclusion***

It is believed that a full and complete response has been made to the outstanding Office Action. If the Examiner believes, for any reason, that personal communication will expedite

prosecution of this application, he is invited to telephone the undersigned at the number provided. Prompt and favorable consideration of this Amendment is respectfully requested.

Respectfully submitted,



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